

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

NORTH AMERICAN COMPANY FOR LIFE
AND HEALTH INSURANCE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV550TSL-JCS

CHARLES H. LEWIS, III and
THE ESTATE OF HOWARD W. DAVIS
DECEASED, By and Through Its
Administrator, Bernell McGehee

DEFENDANTS

FINAL DECREE OF INTERPLEADER

This cause comes before the Court on North American Company for Life and Health Insurance's ("NACOLAH") motion for the entry of a final decree of interpleader in its favor, the Court having considered NACOLAH's written motion and its proposed final decree of interpleader, the admissions and pleadings on file herein, this Court's docket, and the arguments and representations made by counsel for parties who have heretofore appeared in this matter; the Court being fully advised:

THE COURT FINDS AS FOLLOWS:

1. NACOLAH is a corporation organized and incorporated in the State of Illinois and has its principal place of business in Illinois.
2. NACOLAH heretofore issued its life insurance Policy No. LB00531410 insuring Howard W. Davis ("Insured") in the face amount of \$750,000 and with a Policy Date of September 10, 2004 ("Policy").
3. Subsequent to the Insured's death, NACOLAH received adverse and conflicting claims to the Policy proceeds that became due and payable from NACOLAH upon the death of

the Insured and NACOLAH is therefore unable to discharge its admitted liability for the life insurance proceeds under the Policy on account of the death of Howard W. Davis without exposing itself to multiple litigation, liability, or both.

4. NACOLAH filed this interpleader action to avoid multiple liability or litigation or both and is entitled to interpleader relief as requested in its motion for the entry of this Final Decree of Interpleader.

5. The full and total liability of NACOLAH under the Policy and on account of the death of the Insured for insurance proceeds and interest is SEVEN HUNDRED SEVENTY FOUR THOUSAND FOUR HUNDRED SIXTY-SIX AND 97/100 DOLLARS (\$774,466.97), which sum NACOLAH has heretofore delivered to the Clerk of this Court to abide the further order of this Court.

6. NACOLAH brought the instant interpleader action as a disinterested stakeholder, in good faith, and seeking resolution of the multiple claims.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. This Court has personal jurisdiction of the parties to this interpleader action, namely Charles H. Lewis, III, the Estate of Howard W. Davis, Jr., Peter Christian Davis, Bret W. Davis, Sean Fairchild Davis, Christopher Eric Davis, all adults, and Field Austin Davis, a minor, by and through his mother and next friend, Cynthia Davis, all of whom have appeared by counsel, has subject matter jurisdiction over this lawsuit, and venue is proper in this Court.

B. NACOLAH has discharged its full and total liability under Policy No. LB00531410 payable on account of the death of Howard W. Davis and shall have no further liability to the defendants, and each of them, and each and any person or entity claiming through

or for the benefit of the defendants, or any of them, arising under the policy on account of the death of Howard W. Davis.

C. The defendants, Charles H. Lewis, III, Peter Christian Davis, Bret W. Davis, Sean Fairchild Davis, Christopher Eric Davis, all adults, and Field Austin Davis, a minor, by and through his mother and next friend, Cynthia Davis, and each of them, and any person or entity claiming through or for the benefit of them, are permanently and perpetually restrained and enjoined from commencing or prosecuting any proceeding or claim against NACOLAH in any state or federal court or any other forum with respect to the insurance proceeds payable under the Policy No. LB00531410 and on account of the death of Howard W. Davis and this injunction issues without bond or surety.

D. NACOLAH is excused from further attendance upon this cause and the adverse claimant defendants shall litigate their claims to the deposited insurance proceeds which are the subject of this lawsuit without further involving NACOLAH. This Final Decree of Interpleader does not excuse NACOLAH from responding to a valid nonparty subpoena.

E. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this decree is a final judgment and this Court expressly finds and determines that there is no just reason to delay enforcement or appeal of this order.

SO ORDERED, this the 21st day of June, 2007.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE

AGREED TO:

/s/ George E. Abdo, III
ATTORNEY FOR NACOLAH

/s/ Kathy Smith
ATTORNEYS FOR PETER CHRISTIAN DAVIS,
BRETT DAVIS, SEAN FAIRCHILD DAVIS,
CHRISTOPHER ERIC DAVIS AND
FIELD AUSTIN DAVIS

/s/ John H. Ott
ATTORNEY FOR CHARLES LEWIS